

**United States District Court  
Western District of North Carolina**

**3:16-MC-140**

IN RE:      Appointment of a  
                Merit Selection Panel to  
                Consider the Reappointment  
                Of U.S Magistrate Judge  
                David S. Cayer

**ORDER**

FILED  
CHARLOTTE, NC  
AUG 12 2016  
US District Court  
Western District of NC

This matter is before the court on its own motion to designate individuals to serve as a Merit Selection Panel for the purpose of considering the reappointment of the Honorable David S. Cayer as a United States Magistrate Judge for the United States District Court, Western District of North Carolina.

Pursuant to Chapter Five of the “*Selection, Appointment, and Reappointment of United States Magistrate Judges*” published by the Administrative Office of the U.S. Courts, revised March 2010, the court must establish a Merit Selection Panel (Panel) to assist the district judges in their determination to reappointment an incumbent magistrate judge.

The Panel, being composed of seven members, including two lay persons, is to consider and review the incumbent’s performance in office as a magistrate judge and consider comments received from members of the bar and the public, and any other pertinent evidence as to the incumbent’s good character, judgment, legal ability, temperament, and commitment to equal justice under the law. An interview with the incumbent, interviews with other judicial officers of the bench,

and interviews with other agency heads of the federal court family are considered a part of the Panel's charge.

The Panel shall, after considering all information, file its report and recommendation as to whether it recommends the incumbent for reappointment to an additional term of office with the Honorable Frank D. Whitney, Chief, U.S. District Judge. The report and recommendation shall be filed no later than November 30, 2016.

NOW, THEREFORE, IT IS HEREBY ORDERED that the following persons are appointed to the Merit Selection Panel for the United States District Court, Western District of North Carolina.

**Members Merit Panel  
For the Consideration of the Reappointment  
Of the Honorable David S. Cayer**

Mr. Tom D. Efird  
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Mooresville Police Department  
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Winston & Strawn  
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## **Chairman**

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Cadwalader  
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Attorney Sean P. Devereux  
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Asheville, N.C. 28802

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Honorable H. Thomas Church  
District Court State Judge  
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Retired Superior Court State Judge  
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704-375-8461

Attorney Robert E. Harrington  
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101 North Tryon Street  
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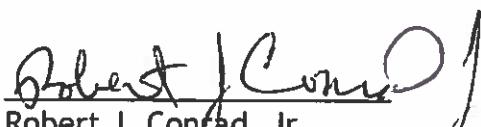
[rharrington@rbh.com](mailto:rharrington@rbh.com)  
704-377-8387

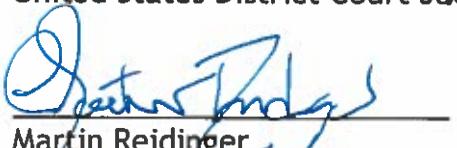
The Merit Selection Panel shall be chaired by Attorney Jack Knight who will work with the other members of the Panel to establish rules of procedure to follow in accordance with Judicial Conference guidelines and to assure that all confidentiality requirements are met.

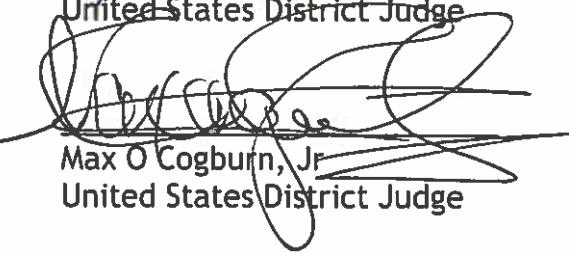
The Clerk of Court is directed to send to each member of the Panel a copy of this Order and a copy of the booklet "*The Selection, Appointment, and Reappointment of United States Magistrate Judges*" as revised March 2010, and other materials which may be of assistance to the Panel. The Clerk shall provide any administrative assistance to the Panel as requested.

A copy of this Order is to be served on the Magistrates Division of the Administrative Office of the U.S. Courts and the Honorable Samuel Phillips, Circuit Executive of the Fourth Circuit.

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

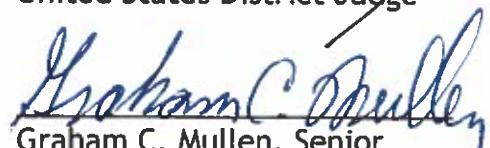
  
Robert J. Conrad, Jr.,  
United States District Court Judge

  
Martin Reidinger  
United States District Judge

  
Max O Cogburn, Jr.  
United States District Judge

  
Richard L. Voorhees  
United States District Judge

  
Frank D. Whitney, Chief  
United States District Judge

  
Graham C. Mullen, Senior  
United States District Judge

bcc: All Magistrate Judges  
All Bankruptcy Judges